

REMARKS**I. Status of the Claims**

Claims 4, 7, 12 and 13 have now been canceled.

Claims 1, 6, 10 and 11 have been amended. The amendments do not add new matter.

Claim 14 has been added.

Claims 1-3, 5-6, 8-11 and 14 are currently pending.

II. Status of the Drawings

The Examiner states that the multiple layers (i.e., the exterior and interior layer) in claim 9 must be shown in the drawings. Applicant has amended FIG. 6 to show the interior layer of fabric 300. Support for this amendment can be found, for example, in original claim 9 which recites "wherein the box includes at least one of an exterior and an interior layer of fabric that is selected to coordinate with the necktie retained therein."

III. Status of the Specification

The specification has been amended (the paragraph beginning on page 6, line 11) to recite that box 10 includes an interior layer of fabric 300 that can be selected to coordinate with necktie 30. Support for this amendment can be found in original claim 9.

IV. Claim Rejections under 35 U.S.C. § 112

Claims 1 and 6 stand rejected under 35 U.S.C. § 112, second paragraph.

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Regarding claim 1, Applicant has amended claim 1 replacing the phrase “at at least two spaced locations within the box” with “at first and second spaced locations within the box” which is not believed to change the scope of claim 1 while still addressing the Examiner’s rejection. Regarding claim 6, Applicant has amended claim 6 to correct the informality noted by the Examiner.

V. Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 6-8, 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,125,215 to Kulka.

Claims 1-3, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,699,904 to Ikemoto.

Claims 1-3, 5-7, 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,014,830 to Seynhaeve.

These rejections are addressed together below.

Independent claims 1 and 10, as amended, recite a continuous elastic member affixed or fastened to the bottom portion of the box and configured to retain the necktie. Kulka, Ikemoto and Seynhaeve do not teach or suggest a continuous elastic member affixed to the bottom portion of the box. Applicant submits that Seynhaeve and Kulka’s straps are attached to respective side walls of the box, that Seynhaeve’s strap is not continuous, and that Ikemoto’s member is not elastic. Applicant submits that these distinctions are more than mere design choices. Rather than a continuous elastic member, Seynhaeve’s strap is formed of two parts linked together by a fastening device. The present invention employs a continuous elastic member because a continuous member

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structure is superior in engaging neckties and other delicate-to-handle fabrics, particularly so that a necktie retained thereby is not frayed, torn or damaged by the addition of a fastening device (typically comprising metal and plastic), such as a clip, lock or connector. The structure of the cited references have discontinuous and/or inelastic members that engage the boxed articles. In the event that Applicant's member has operably extending free ends, the ends can be tied, twisted or bonded to form a continuous conjoined member without employing tie damaging hardware and fastening devices. See paragraph [0021] of Applicant's published application and newly presented claim 14.

Neither is the subject matter of claims 1-3 and 5-11 obvious over the cited documents. Applicant respectfully submits that Kulka and Seynhaeve are non-analogous art as they neither are in the field of Applicant's endeavor nor reasonably pertinent to the particular problem with which Applicant is concerned, namely to a display and packaging apparatus for retaining a necktie. Applicant submits that one of skill in the art of apparel displays and packaging systems would not be motivated to refer to Kulka and Seynhaeve for displaying a decorative necktie and dually retaining the necktie therein. Regarding the particular problem with which Applicant is concerned, the present invention solves problems associated with displaying an *individual article* of clothing while preventing the article from shifting or becoming detached from the display (e.g., the box). The key point being that the present invention is *not* merely a piece of luggage for storing and protecting articles of clothing during transport, but rather provides a display for displaying a single article of clothing and retaining the article to its display to prevent separation from pricing and/or product information which may be present on the display.

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Claims 2, 3 and 6-8 depend from amended claim 1 and are patentable for at least the reasons presented above with respect to claim 1. Claim 11 depends from amended claim 10 and is patentable for at least the reasons presented above with respect to claim 11.

VI. Rejections Under 35 U.S.C. § 103(a)

Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kulka in view of either U.S. Patent No. 5,197,661 to Sanchez or U.S. Patent No. 5,383,595 to Hallam.

Claims 8-9 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seynhaeve in view of Official Notice. The Examiner takes official notice that it is known in the art to provide a fabric exterior or lining in Seynhaeve and that it would have been obvious to one of ordinary skill in the art to provide matching color with an article of cloth as set forth. Applicant has amended independent claim 1 to positively claim the tie. Claims 8-9 depend from amended claim 1. Accordingly, the claimed combination is not taught or reasonably suggested by the proposed combination of references or Seynhaeve in view of Official Notice.

VII. New Claim 14

Newly presented claim 14 is directed to an arrangement in which the member comprises twistably engagable plastic coated metal members. The prior art does not fairly teach or suggest a necktie package with this feature.

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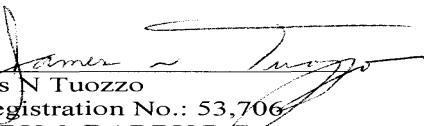
Conclusion

In view of the above remarks, it is believed that Claims 1-3, 5-11 and 14 are believed to be in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either, a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Dated: October 5, 2006

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